

STATEMENT

OF

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BEFORE THE

**HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND
HUMAN RESOURCES**

REGARDING

RECRUITMENT AND RETENTION CHALLENGES

OCTOBER 17, 2001

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

I want to thank you for the opportunity to testify today on the recruitment and retention challenges facing the Immigration and Naturalization Service (INS). I will address the extent to which manpower, work hours, agent compensation, infrastructure, and other factors contribute to carrying out our law enforcement mission.

The tragic events of September 11 have clearly pushed border management and border security onto center stage. There is a great deal expected of the INS today and we will rise to the challenge. During my short time as INS Commissioner I have been very impressed with the quality and dedication of INS employees. There is no doubt that in the wake of the September 11 attacks that INS needs to evaluate its current capacity and strategies for effectively monitoring the 6,000 miles of border. This includes reviewing whether we have enough Inspectors to staff adequately over 300 ports-of-entry in order to provide both necessary security and facilitation of legitimate travelers. Our enforcement challenges, however, reach beyond the immediate border into the interior and include a critical need not only to reevaluate enforcement strategies, but also to improve intelligence-sharing and information technology. It will not simply be a staffing issue, but also an issue of effective deployment and improvement of our enforcement tools.

Mr. Chairman I would like to emphasize two points. First, you would not want to send a General into battle without enough troops and supplies, nor would you want to manage a business with far fewer employees than you know you need to be successful. Second, today is not the time to be penny-wise and pound-foolish. This is why the President's FY 2002 budget request includes additional resources for INS and why we are working with the Administration regarding resource needs in the context of the anti-terrorism supplemental.

The INS has faced hiring and retention challenges over the last several years as it has been increasing its enforcement personnel. This year alone, based on anticipated congressional action on the President's FY 2002 budget request, plus attrition, the INS will hire and train between 3,000 and 3,500 new Border Patrol Agents and Immigration Inspectors.

To maintain and ensure the integrity and professionalism of our officers, as well as the safety and security of our country, the INS' pre-employment screening process for law enforcement positions is rigorous. Depending on the occupation, applicants must pass a written examination, oral board, and drug test; meet medical and physical qualifications; and undergo an extensive security background investigation. Most of our Officer Corps positions, including Border Patrol Agents and Immigration Inspectors, also require facility in or an ability to learn conversational Spanish.

The number of candidates that make it through these rigorous pre-employment requirements is small. For example, candidates must be able to pass the written examination, security, medical, and drug test requirements. In 1999, to fill 2,000 Border Patrol Agent positions, the INS had to attract 75,000 candidates. Additionally, to fill 1,000 Immigration Inspector positions it needed to attract 16,000 candidates. In addition, the remote location of many of our positions on the Southwest border discourages some applicants. In some locations along the Southwest border, medical, educational, cultural, and other amenities are scarce. In addition, INS competes with other federal agencies, state and local governments, and the military for high-quality candidates who possess the above requirements.

INS has made great strides in meeting these recruitment and hiring demands through our streamlined and aggressive recruitment program. However, we continue to refine our interview processes and update our test instruments to ensure candidates have the required level of maturity, quick thinking skills, and professionalism to deal with individuals from diverse backgrounds. We will continue to monitor all aspects of the hiring process to decrease the time pre-employment processes take. And we will do so without compromising our standards and security considerations.

To respond to our hiring demands, the INS has reduced pre-employment paperwork and processing times and has developed a state-of-the-art recruitment effort encompassing extensive use of media. We have increased our presence on college and university campuses, expanded our participation in professional organizations, and increased recruitment of previous and exiting military service men and women. We have worked diligently to improve and build the image of INS as an employer of choice. In spite of this, when

compared to the Federal Bureau of Investigation, the Drug Enforcement Administration and other law enforcement agencies, the INS is not well known outside the Southwest. This is particularly problematic when we are trying to compete with other federal agencies to “market” INS as an employer to qualified candidates.

The two human capital issues that we are evaluating are one, the pay structure for our key law enforcement occupations and two, the job classification of our enforcement personnel, including our Immigration Inspectors. We are working with the Administration to develop recommendations for comprehensive pay reform.

Pay Structure

As you know, the Federal government has a number of pay structures for Federal law enforcement agents. For the INS, the journey level for Border Patrol Agents and Immigration Inspectors is a GS-9. Our Border Patrol Agents are covered by the Fair Labor Standards Act and also receive Administratively Uncontrollable Overtime (AUO). Currently, the average journeyman GS-9 Border Patrol Agent is paid \$58,600, which includes \$39,300 in base pay and \$19,300 in overtime and other compensation. The average journeyman GS-9 Immigration Inspector is currently paid \$57,200, which includes \$39,000 in base pay and \$18,200 in overtime and other compensation. Other compensation includes night differential, holiday pay, and Sunday pay. Because our Border Patrol agents are well trained they are routinely recruited by other federal law enforcement agencies -- some of which have higher journey level positions. Therefore, INS and the Administration are currently evaluating whether there is a need for comprehensive pay reform.

As I stated previously, we have made significant progress in the past years increasing the recruitment of Border Patrol Agents. In FY 1996, we received 23,000 applications; in FY 2000, we received 90,000. A similar effort is under way for Immigration Inspectors.

Recruitment Bonuses

An effective tool that is available for our use in recruitment of new candidates is a recruitment bonus. In calendar year 2000, we offered

recruitment bonuses of \$2,000 to all new Border Patrol Agents who entered on duty by September 30. This offer, coupled with stepped up advertising and an infusion of Border Patrol recruiters, resulted in an increase of applicants from 50,000 to 90,000. We are currently offering a bonus of \$5,000 to all new Immigration Inspectors who enter on duty in our San Francisco District office. Since offering the bonus, we have attracted 2,500 candidates - 3 times more than what we had prior to offering the bonus.

Law Enforcement Status

Immigration Inspectors are authorized to "enforce the immigration laws and regulations of the United States, and any other laws or regulations designated by the Attorney General, and in the performance of those duties is empowered to conduct investigations; carry firearms; effect warrantless arrests; or execute and serve any order, warrant of arrest or search, subpoena summons, or other process issued under the authority of the United States." In the course of their normal duties, Inspectors routinely encounter, arrest, and interrogate persons who violate both the criminal laws (Title 18) and immigration laws of the United States. Therefore, we are working with the Administration to ascertain the appropriate job classification for our Immigration Inspectors.

Relief from Earnings Limitation Caps

Mr. Chairman, many of our law enforcement officers are working long hours in response to the events of September 11. Within hours of the attacks, the INS was working closely with the FBI to help determine who perpetrated these crimes and to bring those people to justice. Within 24 hours, under "Operation Safe Passage," INS deployed several hundred Border Patrol agents to eight major U.S. airports to increase security, prevent further terrorist incidents and restore a sense of trust to the traveling public. At the peak of Operation Safe Passage, INS contributed more law enforcement personnel to this operation, than any other federal agency. INS has dedicated 1,000 of its 1,977 Special Agents to the terrorism investigation who have developed over 1,500 leads. At America's ports-of-entry, INS Inspectors continue to work tirelessly to screen arriving visitors, while encouraging the flow of legitimate commerce and tourism. While employees are working large amounts of overtime, many are not being paid for the hours and all are quickly reaching the annual limit on overtime that INS may legally pay these employees. Many

of our officers are dangerously close to reaching the calendar year overtime earnings cap of \$30,000. Provisions of both the House and Senate versions of the anti-terrorism legislation address the \$30,000 overtime earnings cap for 2001.

Training Resources

In addition to the 3,000 Border Patrol Agents and Immigration Inspectors that we must hire and train, we anticipate training approximately 2,180 new employees for other Officer Corps positions. These positions include Adjudicators, Asylum Officers, Detention Enforcement Officers, and Immigration Information Officers, among others. In total, our Border Patrol Academy and Immigration Officer Academy will train approximately 5,180 new hires in the next fiscal year.

Infrastructure

Any increase to INS personnel should also include necessary support staff, facilities, infrastructure and vehicles.

In terms of human resources personnel, additional specialized staff is required to perform vital recruitment functions of Inspectors who have been returned to full-time line duties, as well as for staff to support the additional officer corps positions.

In February 2000, a survey was conducted to gather baseline data regarding the conditions of and extent of employee overcrowding at INS facilities. The survey results indicated that the majority of INS facilities have potentially serious safety and health deficiencies caused mainly by age, overcrowding, and the lack of funds needed to maintain, replace and expand these facilities. In August 2000, the INS completed a contractor analysis of the space needed to adequately support the current and projected INS workforce. The results of this study compared the amount of space required with the current space inventory.

This problem has grown over the past 7 years as Congress continues to generously provide increased staffing. While Congress has provided funding

to expand the infrastructure, it has not kept pace with the growth in agents and workload, causing overcrowded conditions in many older facilities.

Conclusion

In conclusion, in the wake of the tragic events of September 11 there is no doubt that we face immense challenges. But, I can assure you, that with only two months as INS Commissioner, I already know that the dedicated and talented men and women of this agency are up to the challenge.

Thank you for this opportunity to appear before you today, Mr. Chairman. I look forward to your questions.